

2007 MAY 29 DB

**U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN.**

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## JURY DEMAND

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### **STATEMENT OF JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this case under 28 U.S.C. § 1331 and § 1343(a)(4) since Plaintiff asserts civil rights claims arising under the laws of the United States, specifically Title VII. The Court has and should exercise supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(a).

4. Plaintiff has met all conditions precedent to the filing of this Complaint. Plaintiff filed a timely charge of discrimination alleging race discrimination with the Equal Employment Opportunity Commission ("EEOC"). On January 25, 2007, the EEOC issued a Determination finding reasonable cause to believe that Plaintiff was discriminated against and denied a promotion because of her race in violation of Title VII. The EEOC mailed Plaintiff's Notice of Suit Rights on March 6, 2007. Copies of the Determination and Notice are attached to this Complaint.

5. Venue is proper in this Court under 28 U.S.C. § 1391 because the acts giving rise to this Complaint occurred in an area embraced within the Cookeville Division of the Middle District of Tennessee.

### **FACTUAL AVERMENTS**

6. On April 10, 1992, Plaintiff became employed with Defendant as an Accounting Clerk.

7. Plaintiff is a black female who was at all times qualified for her job with Defendant and best qualified for promotional opportunities she sought but did not receive because of her race.

8. During her employment with Defendant, Defendant discriminated against Plaintiff because of her race with respect to the terms, conditions, privileges and benefits of employment.

9. On February 21, 2006, Plaintiff applied for a promotion with Defendant to Purchasing Inventory Assistant position for which she was qualified. Despite being the most qualified person for the position, Plaintiff was rejected for the promotion and a less-qualified Caucasian employee received the promotion.

10. Defendant's purported reasons for not selecting Plaintiff for the promotion are a pretext for discrimination.

11. Plaintiff's race was a motivating factor in Defendant's decision to not promote Plaintiff.

12. As a result of Defendant's conduct, Plaintiff has suffered damages.

#### **Claims For Race Discrimination In Violation of Federal and Tennessee Law**

13. Plaintiff incorporates and realleges the factual averments as set forth in paragraphs 1 through 12 herein.

14. Defendant is liable to Plaintiff because Defendant discriminated against Plaintiff and failed to promote Plaintiff because of her race, in violation of Title VII and the THRA.

15. Defendant's conduct harmed and caused damage to Plaintiff.

**WHEREFORE**, Plaintiff requests the following relief:

1. Judgment and damages in an amount to be determined by the jury;
2. Instatement to the job position Plaintiff should have received, back

pay and damages for lost benefits;

3. Compensatory damages;
4. Punitive damages;
5. Attorneys' fees and expenses;
6. Prejudgment interest;
7. A jury for the trial of this case; and
8. Such other and further legal or equitable relief to which she may be

entitled.



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